

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

United States of America,
Plaintiff;

No. 1:12-cv-1349

v.

Terry S. Johnson, in his official capacity as
Alamance County Sheriff,
Defendant.

EXHIBIT 6

MAGISTRATE'S ORDER - MISEMEANOR ONLY	
The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.	
Date	Signature Of Magistrate/Deputy/Assistant/CSC
COURT USE ONLY	
District Attorney	Attorney For Defendant At Time Of Trial Or Plea
PLEA: <input checked="" type="checkbox"/> guilty/resp. <input type="checkbox"/> no contest	VERDICT: <input checked="" type="checkbox"/> guilty/resp. <input type="checkbox"/> not guilty/resp.
<input type="checkbox"/> guilty/resp. <input type="checkbox"/> no contest	FINDING: <input type="checkbox"/> guilty/resp. <input type="checkbox"/> not guilty/resp.
<input type="checkbox"/> not guilty/resp.	<input type="checkbox"/> V/D
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine/penalty of \$ 30.00 <input type="checkbox"/> be imprisoned for a term of _____ days in custody of the sheriff. Pretrial credit _____ days served. <input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation than specified in G.S. 15A-1343.2(d), is necessary. <input type="checkbox"/> Execution of sentence is suspended and the defendant is placed on unsupervised probation for _____ months, subject to the regular conditions of probation and the following: <input type="checkbox"/> (1) pay costs and a fine/penalty of \$ _____; <input type="checkbox"/> (2) not operate a motor vehicle until properly licensed by DMV; <input type="checkbox"/> (3) complete _____ hours of community service within _____ days and pay the fee; <input type="checkbox"/> (4) Other: _____	
VOWL 4-20-12 (Bm)	
FTA	
<input type="checkbox"/> It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs. <input type="checkbox"/> case be consolidated for judgment with _____	
<input type="checkbox"/> sentence is to run at the expiration of the sentence in _____	
<input checked="" type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.	
<input type="checkbox"/> The defendant in open court, gives notice of appeal to the Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows: _____	
Date	Signature Of District Court Judge
Date	Signature Of Deputy/Assistant/CSC

File No. <u>344</u>									
NORTH CAROLINA UNIFORM CITATION									
Defendant is To Appear In District Court <u>Greensboro</u>									
N.C.									
Day Of Week <u>Monday</u>	Month <u>11</u>	Day <u>04</u>	Year <u>2000</u>	Time <u>2:00</u>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM				
<input checked="" type="checkbox"/> D.L. <input type="checkbox"/> D.C. <input type="checkbox"/> Other	No. Of Charges <u>2</u>								
THE STATE OF NORTH CAROLINA VS.									
Name Of Defendant <u>Yesenia Cruz - Cruz</u>									
Address <u>307 W. Trinity Ave Apt 1</u>									
City <u>Durham</u>	State <u>NC</u>	Zip <u>27703</u>							
Drivers License No. <u>910342</u>	State <u>NC</u>	CDL <u>-</u>	Class <u>ID</u>						
Race <u>Hispanic</u>	Sex <u>F</u>	Date Of Birth <u>12-16-83</u>	Age <u>16</u>						
Social Security No. Of Defendant			Telephone No.						
Vehicle License No. <u>HHQ-305</u>									
Vehicle Type <u>P</u>	Trailer Type <u>-</u>	CMV <u>-</u>	Haz. Mat. <u>-</u>	Make <u>Nissan</u>	Year <u>95</u>	State <u>NC</u>			
Name And Telephone No. Of Defendant's Employer									
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)									
ACKNOWLEDGMENT/RESIDENT PERSONAL RECOGNIZANCE FOR APPEARANCE I acknowledge receipt of this Citation <input type="checkbox"/> and I promise to appear in the named court at the time and place designated herein to answer the charge(s). I understand that my failure to appear or to dispose of this Citation by other lawful means, such as waiver, will result in my operator's license issued by my state of residence being suspended until I have done so. Also, I may go before a magistrate and make bail in lieu of my personal recognizance.									
Date <u>11-04-00</u>	Signature Of Defendant								
DEPARTMENTAL USE ONLY									
Office <u>Plk. Sanchez</u>	No. <u>0513</u>	Troop <u>175</u>	District <u>5</u>						
State Code <input checked="" type="checkbox"/> N.C. Patrol	Police/Sheriff								
Area <u>0513</u>	Web <u>1</u>	Vis <u>1</u>	Traffic <u>NO</u>	Accident <u>NO</u>	Speed <u>P-BO</u>				
On Highway No./Street <u>I-40</u>						<input type="checkbox"/> Injury Or Sentenced Injury <input type="checkbox"/> Passenger(s) Under 16			
In Vicinity/City Of <u>Durham</u>									
Arrested/Interviewed <u>NC</u>				AC					
Will <u>Chemical Analysis</u>									
<input type="checkbox"/> Refused									

The undersigned officer has probable cause to believe that on or about March 25, 2014 at 6:11 m. the 25 day of March 2014 in the named county, the named defendant did unlawfully and willfully operate a (motor vehicle on a (street or highway) (public vehicle area))

☐ 1. At a speed of 60 MPH in a CS MPH zone G.S. 20-141.1.

☐ 7. In work zone G.S. 20-141(2) 88 school zone G.S. 20-141.1.

☐ 2. In forward motion without having the provided seat belt properly fastened about the defendant's body. G.S. 20-135.22.

☐ 3. By transporting a passenger of less than 16 years of age without having the passenger in a (weight appropriate child passenger restraint system) (seat belt). G.S. 20-137.1.

☐ 4. By transporting a child of less than five years of age and less than 40 pounds in weight without the child being secured in the rear seat, when the vehicle was equipped with an active passenger-side front air bag and the vehicle had a rating. G.S. 20-137.1(a1).

☐ 5. While subject to an impairing substance. G.S. 20-138.1.

☐ 6. Without being licensed as a driver by the Division of Motor Vehicles of North Carolina. G.S. 20-7(e).

☐ 7. While the defendant's drivers license was revoked. G.S. 20-28.

☐ 8. While displaying an expired registration plate on the vehicle knowing the same to be expired. G.S. 20-111(2).

☐ 9. Without displaying thereon a current approved inspection certificate, such vehicle requiring registration in North Carolina. G.S. 20-183.6.

☐ 10. Month Expired

☐ 11. By failing to see before (starting) (stopping) (turning from a direct line) that such movement could be made in safety. G.S. 20-154.

☐ 11. By failing to stop at a duly erected (stop sign) (flashing red light). G.S. 20-158(b)(1), (b)(3).

☐ 12. By entering an intersection while a steady-beam traffic signal was emitting a red light for traffic in the defendant's direction of travel. G.S. 20-158(b)(2).

☐ 13. Without having in full force and effect the financial responsibility required by G.S. 20-313. The defendant was the owner of the motor vehicle that was (registered) (required to be registered) in this State. G.S. 20-313.

☐ 14. (Possess an open container of) (Consume) an alcoholic beverage in the passenger area of a motor vehicle. G.S. 20-135.7(a1). [NOTE: Strike "operator a (motor) vehicle" and "(public vehicle area)" above.]

☐ 15. Without decreasing speed as necessary to avoid colliding with a (vehicle) (person). G.S. 20-141(m).

☐ 16.

☐ 17. And on or about the date and time shown above in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (public vehicle area)

without valid license as a driver by the Division of Motor Vehicles

A TRUE COPY OF THE ORIGINAL

The 2-27-14

Disobedience D.csc

Date 25 March Signature of Officer [Signature]

ALAMANCE COUNTY CLERK OF COURT

S15473 03/29/13 15:21:24

PAYOR: CRUZ-CRUZ, YESENIA
 PAYEE:
 CASE#: 11CR 007240 VCAP: N
 CIT#:

WITNESSES

22210 CO FAC FEE D CR 12.00
 22500 CO OFFICER FEES 5.00
 22700 FINES 50.00
 24450 DC MISD CONFIN 18.00
 21210 DC-CRIM FEES 127.05
 21212 DC-CR LAM FEES 2.45
 21700 LEOB NAME - ST 7.50
 21705 LEO TRNG & CERT 2.00
 24681 JUD TECH & FAC 4.00
 21820 VEHICLE VIO FEE 10.00
 21810 INSTAL PLN FEE 20.00

TOTAL PAID 258.00
 CA TENDERED 300.00
 CHANGE 42.00

7259 ID 000088

Name

Address

Phone

Address

Phone

Address

Phone

NORTH CAROLINA UNIFORM CITATION - COURT COPY							Citation No.	
STATE OF NORTH CAROLINA Alamance County District Court File No. 2012CR 702171							F322217	
TO THE DEFENDANT NAMED BELOW: You have been charged with the misdemeanor(s) or infraction(s) specified below. Read this citation carefully.								
YOUR COURT DATE AND LOCATION								
Court Day	Date	Time	Court Location			Courtroom	Agency Case Number	
Fri	05/11/2012	02:00PM	CRIMINAL CT BLD 1			CRMB		
THE STATE OF NORTH CAROLINA VS.								
Drivers License No.	State	Source	Name Of Defendant				Race	
0000000	NC	DL	CRUZ, YESENIA CRUZ				Hispanic	
CDL	Class	Address				Gender		
No	C	607 LINWOOD AVE				Female		
Social Security No.		City	State	Zip	Date Of Birth		Age	
		DURHAM	NC	27702	12/16/1983		28	
CHARGING OFFICER INFORMATION								
Date	Signature Of Officer		No.	Law Enforcement Agency		Troop/Squad	District/Zone	
04/10/2012	Trp. J B CHINNICI		1884	STATE HIGHWAY PATROL		D	5	
WHAT YOU ARE CHARGED WITH								
The officer named below has probable cause to believe that on or about <u>Tuesday</u> the <u>10</u> day of <u>April</u> 2012 at <u>10:35AM</u> in the county named above you did unlawfully and willfully								
OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY AT A SPEED OF 80 MPH IN A 65 MPH ZONE. (G.S. 20-141(B))								
and on or about <u>Tuesday</u> the <u>10</u> day of <u>April</u> 2012 at <u>10:35AM</u> in the county named above you did unlawfully and willfully								
OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY WITHOUT BEING LICENSED AS A DRIVER BY THE DIVISION OF MOTOR VEHICLES OF NORTH CAROLINA (G.S. 20-7(A))								
YOUR VEHICLE								
Vehicle License No.	State	Trailer Type	CMV	Vehicle Type		Vehicle Make	Year	Haz. Mat.
HHQ305	SC		No	Passenger (2 or 4-Door Sedan)		Nissan	2003	No
OTHER INFORMATION								
Area	Weather	Visibility	Traffic	Accident	Speed	On Highway No./Street		
Business	Clear	Clear	Medium	No	L 80 S	140		
<input type="checkbox"/> Injury or Serious Injury	SHP Code	In Vicinity/City Of		At/Near Intersection				
<input type="checkbox"/> Passengers Under 16	01	GKN		152				
WITNESSES				OFFICER COMMENTS				
Witness #1		Witness #2		Witness #3		I WAS LIDAR SB AT 152 WHITE SENTRA AT HIGH RATE +1...HAD NO LIC OR ID JUST A CREDIT CARD....		
COURT USE ONLY								
District Attorney		Attorney For Defendant At Time Of Trial Or Plea		<input checked="" type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Waived		PRIOR CONVICTIONS		
ARM		ROSS				No./Level: 0 <input type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)		
PLEA:		VERDICT/		PENDING:		M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3		
<input type="checkbox"/> guilty/resp. <input type="checkbox"/> no contest		<input type="checkbox"/> guilty/resp.		<input type="checkbox"/> guilty/resp.		M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3		
<input type="checkbox"/> not guilty/resp.		<input type="checkbox"/> not guilty/resp.		<input type="checkbox"/> not guilty/resp.		X/D <input checked="" type="checkbox"/> CH		
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant:								
<input type="checkbox"/> pay costs and a fine/penalty of \$ _____ <input type="checkbox"/> be imprisoned for a term of _____ days in custody of the sheriff. Pretrial credit _____ days served. <input type="checkbox"/> The Court finds that a								
<input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation than specified in G.S. 15A-1343.2(d) is necessary. <input type="checkbox"/> Execution of sentence is suspended and the defendant is placed on unsupervised probation for _____ months, subject to the regular conditions of probation and the following: <input type="checkbox"/> (1) pay costs and a fine/penalty of \$ _____ <input type="checkbox"/> (2) not operate a motor vehicle until properly licensed by DMV								
<input type="checkbox"/> (3) complete _____ hours of community service within _____ days and pay the fee. <input type="checkbox"/> (4) Other: _____								
u.p.w.c. 10/12/12 m								
FTC FTA								
It is ORDERED that this: <input checked="" type="checkbox"/> Judgment is continued upon payment of costs. <input type="checkbox"/> case be consolidated for judgment with _____ <input type="checkbox"/> sentence is to run at the expiration of the sentence in _____ <input type="checkbox"/> The Court finds just cause to waive costs.								
<input type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver two (2) certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.								
<input type="checkbox"/> The defendant in open court gives notice of appeal to the Superior Court.								
<input type="checkbox"/> The current pretrial release order is modified as follows: _____								
Date	Signature Of District Court Judge		I certify that this Judgment is a true copy.		Date	Signature Of Deputy/Assistant/CSC		
3-27-13	[Signature]					[Signature]		

A TRUE COPY OF THE ORIGINAL

This 22714
Deborah H. [Signature] csc

C 2066592-8

STATE OF NORTH CAROLINA Alumam County

MAGISTRATE'S ORDER - MISDEMEANOR ONLY

The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

Date 4-24-12 Signature Of Magistrate/Deputy/Assistant/CSC [Signature]

COURT USE ONLY

District Attorney [Signature] Attorney For Defendant [Signature] or Plea [Signature]

Defendant's plea: ☒ guilty/resp. ☐ no contest
FINDING: ☒ guilty/resp. ☐ not guilty/resp.

PRIOR CONVICTIONS:
No./Level: 0 ☐ I (0) ☐ II (1-4) ☐ III (5+)
MISD. CLASS: ☐ A1 ☐ 1 ☐ 2 ☐ 3
MISD. CLASS: ☐ A1 ☐ 1 ☐ 2 ☐ 3
V/D ☐

COMMITMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant: ☐ pay costs and a fine/penalty of \$ _____ ☐ be imprisoned for a term of _____ days in custody of the sheriff. Pretrial credit _____ days served. ☐ The Court finds that a shorter period of probation than specified in G.S. 15A-1343.2(d) is necessary. ☐ Execution of sentence is suspended and the defendant is placed on unsupervised probation for _____ months, subject to the regular conditions of probation and the following: ☐ (1) pay costs and a fine/penalty of \$ _____; ☐ (2) not operate a motor vehicle until properly licensed by DMV; ☐ (3) complete _____ hours of community service within _____ days and pay the fee; ☐ (4) Other: _____

It is ORDERED that this ☐ judgment is continued upon payment of costs. ☐ case be consolidated for judgment with _____
sentence is to run at the expiration of the sentence in _____

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
The defendant in open court, gives notice of appeal to the Superior Court ☐ The current pretrial release order is modified as follows: _____

Date 4-24-12 Signature Of District Court Judge [Signature] I certify that this Judgment is a true copy. Date _____ Signature Of Deputy/Assistant/CSC _____

File No.

12CR 52374

NORTH CAROLINA UNIFORM CITATION

Defendant is To Appear In District Court Cohen

Day Of Week Tue Month 5 Day 22 Year 12 Time 900 AM ☐ PM ☐

THE STATE OF NORTH CAROLINA VS. Yessenia Cruz-Cruz

Name Of Defendant Yessenia Cruz-Cruz

Address 411 E Pilot St. #81

City Durham State NC Zip 27707

Drivers License No. 31C 70532 Sex F Date Of Birth 12-16-83 Age 28 Class ID

Race H Social Security No. Of Defendant _____ Telephone No. _____

Vehicle License No. HHQ-305 State NC

Vehicle Type P Trailer Type _____ CMV Haz. Mat. _____ Make Niss. Year 95

Name And Telephone No. Of Defendant's Employer _____

Date Of Arrest & Check Digit No. (As Shown On Expiration Card) 4-24-12 KG 99623

ACKNOWLEDGMENT/RESIDENT PERSONAL RECOGNIZANCE FOR APPEARANCE
I acknowledge receipt of this Citation and I promise to appear in the named court at the time and place designated herein to answer the charge(s). I understand that my failure to appear or to dispose of this Citation by other acceptable legal means, such as waiver, will result in my operator's license issued by my state of residence being suspended until I have done so. Also, I may go before a magistrate and make bail in lieu of my personal recognizance.

Date _____ Signature Of Defendant _____

DEPARTMENTAL USE ONLY
Officer S.S. Ray No. 229 Troop C District _____

SHP Code 2 N.C. Patrol Alumam Co. Backseat (Stripped) ☐

Area OC Wea. C Vis. C Traffic M Accident No Speed A-65

On Highway No Street 1-85/40 S. ☐ Injury Or Serious Injury ☐ Passenger(s) Under 16

In Vicinity City Of Cornham ☐ At Intersection Exit 145

Wit. Chemical Analyst ☐ AC ☐ Refused

ORIGINAL-COURT COPY

The undersigned officer, being probable cause to believe that on or about 4-24-12 at 1037 (p) m., the 24 day of April, in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (public vehicle area).
☐ 1. At a speed of _____ MPH in a _____ MPH zone, G.S. 20-141.1.
☐ 2. In forward motion without having the provided seat belt properly fastened about the defendant's body, G.S. 20-135.2A.
☐ 3. By transporting a passenger of less than 16 years of age without having the passenger in a (weight appropriate child passenger restraint system) (seat belt), G.S. 20-137.1.
☐ 4. By transporting a child of less than five years of age and less than 40 pounds in weight without the child being secured in the rear seat, when the vehicle was equipped with an active passenger-side front air bag and the vehicle had a rear seat, G.S. 20-137.1(a).
☐ 5. While subject to an impending substance, G.S. 20-138.1.
☐ 6. Without being licensed as a driver by the Division of Motor Vehicles of North Carolina, G.S. 20-7(a).
☒ 7. While the defendant's driver's license was revoked, G.S. 20-28.
☐ 8. While displaying an expired registration plate on the vehicle knowing the same to be expired, G.S. 20-116.
☐ 9. Without (displaying) (thereon a current approved inspection certificate) (having a current electronic inspection authorization for the vehicle), such vehicle requiring inspection in North Carolina, G.S. 20-183.8, Month Expired: _____
☐ 10. By failing to see before (starting) (stopping) (turning from a direct line) that such movement could be made in safety, G.S. 20-154.
☐ 11. By failing to stop at a duly erected (stop sign) (flashing red light), G.S. 20-156(b)(1), (b)(2).
☐ 12. By entering an intersection while a traffic signal was emitting a steady red circular light for traffic in defendant's direction of travel, G.S. 20-156(b)(2).
☐ 13. Without having in full force and effect the financial responsibility required by G.S. 20-313. The defendant was the owner of the motor vehicle that was (registered) (required to be registered) in this State, G.S. 20-313.
☐ 14. (Possess an open container of) (Consume) an alcoholic beverage in the passenger area of a motor vehicle, G.S. 20-138.7(a). (NOTE: Strive operate a (motor) vehicle and (public) (vehicular area) (above).)
☐ 15. Without decreasing speed as necessary to avoid colliding with a (vehicle) (person), G.S. 20-141.(m).
☐ 16. _____
VD per Camp
9-21-12
[Signature]
By Following another vehicle more closely than is reasonable and prudent without due caution for the speed of such vehicles and the danger upon the conditions of the roadway
6-5, 20-152 (A)
Date 4-24-12 Signature Of Officer [Signature]

ALABAMA COUNTY CLERK OF COURT

5154979 03/28/13 15:53:39

PAYOR: CRUZ-CRUZ, YESENIA
 PAYEE:
 CASE#: 12CR 00374 VCAP-N
 CITAH:

22210 CO FAC FEE D CR	12.00
22500 CO OFFICER FEES	5.00
21810 INSTALL PLN FEE	20.00
24450 DC MISD CONFIN	18.00
21210 DC-CRIM FEES	127.05
21212 DC-CR LAA FEES	2.45
21700 LEOD & RF - ST	7.50
21705 LEQ TRNG & CERT	2.00
24681 JUE TECH & FAC	4.00
24322 STATE JUA FEE	2.00
21820 VEHICLE VIO FEE	10.00
22400 CO JAIL FEES	10.00
21213 DC-CR 20-FTC	50.00

TOTAL PAID	270.00
PA TENDERED	300.00
CHANGE	30.00

7259 ID C00088

Phone

Address

Name

Address

Name

Address

Name

WITNESSES

7082